

Calendar No. 259

104TH CONGRESS
1ST Session

S. 1459

[Report No. 104-181]

A BILL

To provide for uniform management of livestock grazing on Federal land, and for other purposes

DECEMBER 7, 1995

Read twice and placed on the calendar

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To provide for uniform management of livestock grazing on Federal land,
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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 1995

Mr. MURKOWSKI (for himself and Mr. DOMENICI) from the Committee on Energy and Natural Resources, reported the following original bill; which was read twice and placed on the calendar

A BILL

To provide for uniform management of livestock grazing
on Federal land, and for other purposes

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—Thus title may be cited as the
5 “Public Rangelands Management Act of 1995.”

1 **SEC. 2. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This Act and the amendments
3 and repeals made by this Act shall become effective on
4 March 1, 1996.

5 (b) INTERIM PROVISION.—Until the effective date
6 specified in subsection (a), management of livestock graz-
7 ing on Federal land shall be conducted in accordance with
8 the law (including regulations) in effect on February 1,
9 1995: *Provided*, That subject to approval by the Secretary
10 of Agriculture, membership of Resource Advisory Councils
11 established by the Secretary of the Interior after August
12 21, 1995, shall be deemed to be in compliance with section
13 171(d) until March 1, 1997, or until such time as the Sec-
14 retary determines otherwise, whichever occurs first: *Pro-*
15 *vided further*, That such resource advisory councils shall
16 be authorized to continue in operation under current char-
17 ters until the effective date specified in subsection (a).

18 **SEC. 3. APPLICABLE REGULATIONS.**

19 (a) BLM LANDS.—Except as otherwise provided by
20 this Act, grazing of domestic livestock on lands adminis-
21 tered by the Bureau of Land Management shall be in ac-
22 cordance with part 4, part 1780 and part 4100 of title
23 43, Code of Federal Regulations, as in effect on February
24 1, 1995.

25 (b) FOREST SERVICE LANDS.—Except as otherwise
26 provided by this act, grazing of domestic livestock on lands

1 administered by the Forest Service shall, to the extent
 2 possible, be in accordance with regulations, which the Sec-
 3 retary of Agriculture shall promulgate, which are substan-
 4 tially similar to the regulations referred to in subsection
 5 (a). Regulations promulgated under this subsection may
 6 differ from the regulations referred to in subsection (a)
 7 to the extent necessary to conform to the laws governing
 8 the National Forest System (other than title I).

9 (c) Pursuant to title I, the Secretary of the Interior
 10 and the Secretary of Agriculture shall coordinate the pro-
 11 mulgation of regulations that are substantially similar.

12 **TITLE I—MANAGEMENT OF GRAZING ON** 13 **FEDERAL LAND**

14 **Subtitle A—General Provisions**

15 **SEC. 101. FINDINGS.**

16 (a) FINDINGS.—Congress finds that—

17 (1) multiple use, as set forth in current law,
 18 has been and continues to be a guiding principle in
 19 the management of public lands and national for-
 20 ests;

21 (2) through the cooperative and concerted ef-
 22 forts of the Federal rangeland livestock industry,
 23 Federal and State land management agencies, and
 24 the general public, the Federal rangelands are in the

1 best condition they have been in during this century,
2 and their condition continues to improve;

3 (3) as a further consequence of those efforts,
4 populations of wildlife are increasing and stabilizing
5 across vast areas of the West;

6 (4) grazing preferences must continue to be
7 adequately safeguarded in order to promote the eco-
8 nomic stability of the western livestock industry;

9 (5) it is in the public interest to charge a fee
10 for livestock grazing permits and leases on Federal
11 land that is based on a formula that—

12 (A) reflects a fair return to the Federal
13 Government and the true costs to the permittee
14 or lessee; and

15 (B) promotes continuing cooperative stew-
16 ardship efforts;

17 (6) opportunities exist for improving efficiency
18 in the administration of the range programs on Fed-
19 eral land by—

20 (A) reducing planning and analysis costs
21 and their associated paperwork, procedural, and
22 clerical burdens; and

23 (B) refocusing efforts to the direct man-
24 agement of the resources themselves;

1 (7) in order to provide meaningful review and
2 oversight of the management of the public range-
3 lands and the grazing allotment on those rangelands,
4 refinement of the reporting of costs of various com-
5 ponents of the land management program is needed;

6 (8) greater local input into the management of
7 the public rangelands is in the best interests of the
8 United States;

9 (9) the western livestock industry that relies on
10 Federal land plays an important role in preserving
11 the social, economic, and cultural base of rural com-
12 munities in the western States and further plans an
13 integral role in the economies of the 17 western
14 States with Federal rangelands;

15 (10) maintaining the economic viability of the
16 western livestock industry is essential to maintaining
17 open space and fish and wildlife habitat;

18 (11) since the enactment of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C.
20 1701 et seq.) and the amendment of section 6 of the
21 Forest and Rangeland Renewable Resources Plan-
22 ning Act of 1974 (16 U.S.C. 1604) by the National
23 Forest Management Act of 1976 (16 U.S.C. 472a et
24 seq.), the Secretary of the Interior and the Secretary
25 of Agriculture have been charged with developing

1 land use plans that are consistent with land use
2 plans adopted by State, local, and tribal govern-
3 ments, but to date the planning efforts have not pro-
4 duced land use plans for Federal land that are in
5 fact consistent with State, local, or tribal planning;
6 and

7 (12) the levels of livestock grazing that were
8 authorized to be permitted as of August 1, 1993 are
9 consistent with this title and may be increased or de-
10 creased, as appropriate, consistent with this title.

11 (b) REPEAL OF EARLIER FINDINGS.—Section 2(a) of
12 the Public Rangelands Improvement Act of 1978 (43
13 U.S.C. 1901(a)) is amended—

14 (1) by striking paragraphs (1), (2), (3), and
15 (4);

16 (2) by redesignating paragraphs (5) and (6) as
17 paragraphs (1) and (2), respectively;

18 (3) in paragraph (1) (as so redesignated), by
19 adding “and” at the end; and

20 (4) in paragraph (2) (as so redesignated)

21 (A) by striking “harrassment” and insert-
22 ing “harassment”; and

23 (B) by striking the semicolon at the end
24 and inserting a period.

1 **SEC. 102. APPLICATION OF ACT.**

2 (a) This Act applies to—

3 (1) the management of grazing on Federal land
4 by the Secretary of the Interior under—

5 (A) the Act of June 28, 1934 (commonly
6 known as the “Taylor Grazing Act”) (48 Stat.
7 1269, chapter 865; 43 U.S.C. 315 et seq.);

8 (B) the Act of August 28, 1937 (commonly
9 known as the “Oregon and California Railroad
10 and Coos Bay Wagon Road Grant Lands Act of
11 1937”) (50 Stat. 874, chapter 876; 43 U.S.C.
12 1181a et seq.);

13 (C) the Federal Land Policy and Manage-
14 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

15 (D) the Public Rangelands Improvement
16 Act of 1978 (43 U.S.C. 1901 et seq.);

17 (2) the management of grazing on Federal land
18 by the Secretary of Agriculture under—

19 (A) the 12th undesignated paragraph
20 under the heading “SURVEYING THE PUB-
21 LIC LANDS.” under the heading “UNDER
22 THE DEPARTMENT OF THE INTERIOR.”
23 in the first section of the Act of June 4, 1897
24 (commonly known as the “Organic Administra-
25 tion Act of 1897”) (30 Stat. 11, 35, chapter 2;
26 16 U.S.C. 551);

1 (B) the Act of April 24, 1950 (commonly
2 known as the “Granger-Thye Act of 1950”) (64
3 Stat. 85, 88, chapter 97; 16 U.S.C. 580g,
4 580h, 580l);

5 (C) the Multiple-Use Sustained Yield Act
6 of 1960 (16 U.S.C. 528 et seq.);

7 (D) the Forest and Rangeland Renewable
8 Resources Planning Act of 1974 (16 U.S.C.
9 1600 et seq.);

10 (E) the National Forest Management Act
11 of 1976 (16 U.S.C. 472a et seq.);

12 (F) the Federal Land Policy and Manage-
13 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

14 (G) the Public Rangelands Improvement
15 Act of 1978 (43 U.S.C. 1901 et seq.); and

16 (3) management of grazing by the Secretary on
17 behalf of the head of another department or agency
18 under a memorandum of understanding.

19 (b) Nothing in this title shall authorize grazing in any
20 unit of the National Park System, National Wildlife Ref-
21 uge System, or on any other Federal lands where such
22 use is prohibited by statute, nor supersedes or amends any
23 limitation on the levels of use for grazing that may be
24 specified in other Federal law, nor expands or enlarges
25 any such prohibition or limitation.

1 (c) Nothing in this title shall limit or preclude the
2 use of and access to Federal land for hunting, fishing, rec-
3 reational, watershed management or other appropriate
4 multiple use activities in accordance with applicable Fed-
5 eral and State laws and the principles of multiple use.

6 **SEC. 103. OBJECTIVE.**

7 The objective of this title is to—

8 (1) promote healthy, sustained rangeland;

9 (2) enhance productivity of Federal land by
10 conservation of forage resources, reduction of soil
11 erosion, and proper management of other resources
12 such as control of noxious species invasion;

13 (3) provide stability to the livestock industry
14 that utilizes the public rangeland;

15 (4) emphasize scientific monitoring of trends
16 and condition to support sound rangeland manage-
17 ment;

18 (5) maintain and improve the condition of ri-
19 parian areas which are critical to wildlife habitat
20 and water quality; and

21 (6) promote the consideration of wildlife popu-
22 lations and habitat, consistent with land use plans,
23 principles of multiple-use, and other objectives stated
24 in this section.

1 **SEC. 104. DEFINITIONS.**

2 IN GENERAL.—In this title:

3 (1) ACTIVE USE.—The term “active use”
4 means the amount of authorized livestock grazing
5 use made at any time.

6 (2) ACTUAL USE.—The term “actual use”
7 means the number and kinds or classes of livestock,
8 and the length of time that livestock graze on, an al-
9 lotment.

10 (3) AFFECTED INTEREST.—The term “affected
11 interest” means an individual or organization that
12 has expressed in writing to the authorized officer a
13 desire to be notified in writing of proposed decisions
14 of the authorized officer related to a specific grazing
15 allotment.

16 (4) ALLOTMENT.—The term “allotment” means
17 an area of designated Federal land that includes
18 management for grazing of livestock.

19 (5) ALLOTMENT MANAGEMENT PLAN.—The
20 term “allotment management plan” has the same
21 meaning as defined in section 103(k) of Public Law
22 94–579 (43 U.S.C. 1702(k)).

23 (6) AUTHORIZED OFFICER.—The term “author-
24 ized officer” means a person authorized by the Sec-
25 retary to administer this title, the Acts cited in sec-

tion 102, and regulations issued under this title and those Acts.

(7) BASE PROPERTY.—The term “base property” means—

(A) private land that has the capability of producing crops or forage that can be used to support authorized livestock for a specified period of the year; or

(B) water that is suitable for consumption by livestock and is available to and accessible by authorized livestock when the land is used for livestock grazing.

(8) CANCEL; CANCELLATION.—The terms “cancel” and “cancellation” refer to a permanent termination, in whole or in part, of—

(A) a grazing permit or lease and grazing preference; or

(B) other grazing authorization.

(9) CONSULTATION, COOPERATION, AND COORDINATION.—The term “consultation, cooperation, and coordination” means, for the purposes of this title and section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), engagement in good faith efforts to reach consensus.

1 (10) COORDINATED RESOURCE MANAGE-
2 MENT.—The term “coordinated resource manage-
3 ment”—

4 (A) means the planning and implementa-
5 tion of management activities in a specified geo-
6 graphic area that require the coordination and
7 cooperation of the Bureau of Land Manage-
8 ment or the Forest Service with affected State
9 agencies, private land owners, and Federal land
10 users; and

11 (B) may include, but is not limited to prac-
12 tices that provide for conservation, resource
13 protection, resource enhancement or integrated
14 management of multiple-use resources.

15 (11) FEDERAL LAND.—The term “Federal
16 land”—

17 (A) means land outside the State of Alaska
18 that is owned by the United States and admin-
19 istered by—

20 (i) the Secretary of the Interior, act-
21 ing through the Director of the Bureau of
22 Land Management; or

23 (ii) the Secretary of Agriculture, act-
24 ing through the Chief of the Forest Serv-
25 ice; but

1 (B) does not include land held in trust for
2 the benefit of Indians.

3 (12) GRAZING PERMIT OR LEASE.—The term
4 “grazing permit or lease” means a document author-
5 izing use of the Federal land—

6 (A) within a grazing district under section
7 3 of the Act of June 28, 1934 (commonly
8 known as the “Taylor Grazing Act”) (48 Stat.
9 1270, chapter 865; 43 U.S.C. 315b), for the
10 purpose of grazing livestock;

11 (B) outside grazing districts under section
12 15 of the Act of June 28, 1934 (commonly
13 known as the “Taylor Grazing Act”) (48 Stat.
14 1275, chapter 865; 43 U.S.C. 315m), for the
15 purposes of grazing livestock; or

16 (C) in a national forest under section 19 of
17 the Act of April 24, 1950 (commonly known as
18 the “Granger-Thye Act of 1950”)(64 Stat. 88,
19 chapter 97; 16 U.S.C. 5801), for the purposes
20 of grazing livestock.

21 (13) GRAZING PREFERENCE.—The term “graz-
22 ing preference” means the number of animal unit
23 months of livestock grazing on Federal land as adju-
24 dicated or apportioned and attached to base prop-
25 erty owned or controlled by a permittee or lessee.

1 (14) LAND BASE PROPERTY.—The term “land
2 base property” means base property described in
3 paragraph (7)(A).

4 (15) LAND USE PLAN.—The term “land use
5 plan” means—

6 (A) with respect to Federal land adminis-
7 tered by the Bureau of Land Management, one
8 of the following developed in accordance with
9 the Federal Land Policy and Management Act
10 of 1976 (43 U.S.C. 1701 et seq.)—

11 (i) a resource management plan; or

12 (ii) a management framework plan
13 that is in effect pending completion of a
14 resource management plan; and

15 (B) with respect to Federal land adminis-
16 tered by the Forest Service, a land and resource
17 management plan developed in accordance with
18 section 6 of the Forest and Rangeland Re-
19 sources Planning Act of 1974 (16 U.S.C.
20 1604).

21 (16) LIVESTOCK CARRYING CAPACITY.—The
22 term “livestock carrying capacity” means the maxi-
23 mum sustainable stocking rate that is possible with-
24 out inducing long-term damage to vegetation or re-
25 lated resources.

1 (17) MONITORING.—The term “monitoring”
2 means the orderly collection of data using scientif-
3 ically-based techniques to determine trend and con-
4 dition of rangeland resources. Data may include his-
5 torical information, but must be sufficiently reliable
6 to evaluate—

7 (A) effects of ecological changes and man-
8 agement actions; and

9 (B) effectiveness of actions in meeting
10 management objectives.

11 (18) RANGE IMPROVEMENT.—The term “range
12 improvement”—

13 (A) means an authorized activity or pro-
14 gram on or relating to rangeland that is de-
15 signed to—

16 (i) improve production of forage;
17 (ii) change vegetative composition;
18 (iii) control patterns of use;
19 (iv) provide water;
20 (v) stabilize soil and water conditions;

21 or

22 (vi) provide habitat for livestock, wild
23 horses and burros, and wildlife; and

1 (B) includes structures, treatment projects,
2 and use of mechanical means to accomplish the
3 goals described in subparagraph (A).

4 (19) RANGELAND STUDY.—The term “range-
5 land study” means a documented study or analysis
6 of data obtained on actual use, utilization, climatic
7 conditions; other special events, production trend,
8 and rangeland condition and trend to determine
9 whether management objectives are being met,
10 that—

11 (A) relies on the examination of physical
12 measurements of range attributes and not on
13 cursory visual scanning of land, unless the con-
14 dition to be assessed is patently obvious and re-
15 quires no physical measurements;

16 (B) utilizes a scientifically based and veri-
17 fiable methodology; and

18 (C) is accepted by an authorized officer.

19 (20) SECRETARY; SECRETARIES.—The terms
20 “Secretary” or “Secretaries” mean—

21 (A) the Secretary of the Interior, in ref-
22 erence to livestock grazing on Federal land ad-
23 ministered by the Director of the Bureau of
24 Land Management; and

1 (B) the Secretary of Agriculture, in ref-
2 erence to livestock grazing on Federal land ad-
3 ministered by the Chief of the Forest Service or
4 the National Grasslands referred to in title II.

5 (21) SUBLEASE.—The term “sublease” means
6 an agreement by a permittee or lessee that—

7 (A) allows a person other than the permit-
8 tee or lessee to graze livestock on Federal land
9 without controlling the base property support-
10 ing the grazing permit or lease; or

11 (B) allows grazing on Federal land by live-
12 stock not owned or controlled by the permittee
13 or lessee.

14 (22) SUSPEND; SUSPENSION.—The terms “sus-
15 pend” and “suspension” refer to a temporary with-
16 holding, in whole or in part, of a grazing preference
17 from active use, ordered by the Secretary or done
18 voluntarily by a permittee or lessee.

19 (23) UTILIZATION.—The term “utilization”
20 means the percentage of a year’s forage production
21 consumed or destroyed by herbivores.

22 (24) WATER BASE PROPERTY.—The term
23 “water base property” means base property de-
24 scribed in paragraph (7)(B).

1 **SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.**

2 (a) STANDARDS AND GUIDELINES.—The Secretary
3 shall establish standards and guidelines for addressing
4 rangeland condition and trend on a State or regional level
5 in consultation with the Resource Advisory Councils estab-
6 lished in section 171 and in cooperation with the State
7 departments of agriculture or other appropriate State
8 agencies and academic institutions in each interested
9 State.

10 (b) COORDINATED RESOURCE MANAGEMENT.—The
11 Secretary shall, where appropriate, authorize and encour-
12 age the use of coordinated resource management practices.
13 Coordinated resource management practices shall be—

14 (1) scientifically based;

15 (2) consistent with goals and objectives of the
16 applicable land use plan;

17 (3) for the purposes of promoting good steward-
18 ship of multiple-use rangeland resources; and

19 (4) authorized under a cooperative agreement
20 with a permittee or lessee, or an organized group of
21 permittees or lessees in a specified geographic area.

22 Such agreement may include other individuals, orga-
23 nizations, or Federal land users.

24 (c) COORDINATION OF FEDERAL AGENCIES.—Where
25 coordinated resource management involves private land,
26 State land, and Federal land managed by the Bureau of

1 Land Management or the Forest Service, the Secretaries
 2 are hereby authorized and directed to enter into coopera-
 3 tive agreements to coordinate the associated activities of—

4 (1) the Bureau of Land Management;

5 (2) the Forest Service; and

6 (3) the Natural Resources Conservation Service.

7 (d) RULE OF CONSTRUCTION.—Nothing in this title
 8 or any other law implies that a minimum national stand-
 9 ard or guideline is necessary.

10 **SEC. 106. LAND USE PLANS.**

11 (a) PRINCIPLE OF MULTIPLE USE AND SUSTAINED
 12 YIELD.—An authorized officer shall manage livestock
 13 grazing on Federal land under the principles of multiple
 14 use and sustained yield and in accordance with applicable
 15 land use plans.

16 (b) CONTENTS OF LAND USE PLAN.—With respect
 17 to grazing administration, a land use plan shall—

18 (1) consider the impacts of all multiple uses, in-
 19 cluding livestock and wildlife grazing, on the envi-
 20 ronment and condition of public rangelands, and the
 21 contributions of these uses to the management,
 22 maintenance and improvement of such rangelands;

23 (2) establish allowable grazing use (in combina-
 24 tion with other multiple uses), related levels of pro-
 25 duction or use to be maintained, areas of use, and

1 resource condition goals and objectives to be ob-
 2 tained; and

3 (3) set forth programs and general manage-
 4 ment practices needed to achieve the purposes of
 5 this title.

6 (c) APPLICATION OF NEPA.—Land use plans, and
 7 amendments thereto, shall continue to be developed in con-
 8 formance with the requirements of the National Environ-
 9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

10 (d) CONFORMANCE WITH LAND USE PLAN.—Live-
 11 stock grazing activities and management actions approved
 12 by the authorized officer, including the issuance, renewal,
 13 or transfer of grazing permits or leases, shall not con-
 14 stitute major Federal actions requiring consideration
 15 under the National Environmental Policy Act of 1969 (42
 16 U.S.C. 4321 et seq.) in addition to that which is necessary
 17 to support the land use plan, and amendments thereto.

18 (e) Nothing in this section is intended to override the
 19 planning and public involvement processes of any other
 20 Federal law pertaining to Federal lands.

21 **Subtitle B—Qualifications and Grazing** 22 **Preferences**

23 **SEC. 111. SPECIFYING GRAZING PREFERENCE.**

24 (a) IN GENERAL.—A grazing permit or lease shall
 25 specify—

1 (1) a historical grazing preference;

2 (2) active use, based on the amount of forage
3 available for livestock grazing established in the land
4 use plan;

5 (3) suspended use; and

6 (4) voluntary and temporary nonuse.

7 (b) ATTACHMENT OF GRAZING PREFERENCE.—A
8 grazing preference identified in a grazing permit or lease
9 shall attach to the base property supporting the grazing
10 permit or lease.

11 (c) ATTACHMENT OF ANIMAL UNIT MONTHS.—The
12 animal unit months of a grazing preference shall attach
13 to—

14 (1) the acreage of land base property on a pro
15 rata basis; or

16 (2) water base property on the basis of livestock
17 forage production within the service area of the
18 water.

19 **Subtitle C—Grazing Management**

20 **SEC. 121. ALLOTMENT MANAGEMENT PLANS.**

21 If the Secretary elects to develop an allotment man-
22 agement plan for a given area, he shall do so in careful
23 and considered consultation, cooperation, and coordination
24 with the lessees, permittees, and landowners involved, the
25 resource advisory councils and grazing advisory councils

1 established pursuant to section 171 and section 172, and
2 any State or States having lands within the area to be
3 covered by such allotment management plan.

4 **SEC. 122. RANGE IMPROVEMENTS.**

5 (a) RANGE IMPROVEMENT COOPERATIVE AGREE-
6 MENTS.—

7 (1) IN GENERAL.—The Secretary may enter
8 into a cooperative agreement with a permittee or les-
9 see for the construction, installation, modification,
10 maintenance, removal, or use of a permanent range
11 improvement or development of a rangeland to
12 achieve a management or resource condition objec-
13 tive.

14 (2) COST-SHARING.—A range improvement co-
15 operative agreement shall specify how the costs or
16 labor, or both, shall be shared between the United
17 States and the other parties to the agreement.

18 (3) TITLE.—

19 (A) IN GENERAL.—Subject to valid exist-
20 ing rights, title to an authorized permanent
21 range improvement under a range improvement
22 cooperative agreement shall be in the name of
23 the permittee or lessee and of the United
24 States, respectively, in proportion to the value
25 of the contributions (funding, material, and

labor) toward the initial cost of construction by the United States and the permittee or lessee, respectively.

(B) VALUE OF FEDERAL LAND.—For the purpose of subparagraph (A), only a contribution to the construction, installation, modification, or maintenance of a permanent rangeland improvement itself, and not the value of Federal land on which the improvement is placed, shall be taken into account.

(C) MAINTENANCE.—Maintenance of range improvements in the form of time as labor or monetary expenditures shall be applied to the value and percentage of ownership proportionate to the value of the contribution by a party to the cooperative agreement.

(4) NONSTRUCTURAL RANGE IMPROVEMENTS.—A range improvement cooperative agreement shall ensure that the respective parties enjoy the benefits of any nonstructural range improvement, such as seeding, spraying, and chaining, in proportion to each party's contribution to the improvement.

(5) INCENTIVE.—A range improvement cooperative agreement shall contain terms and conditions

1 that are designed to provide a permittee or lessee an
2 incentive for investing in range improvements.

3 (b) RANGE IMPROVEMENT PERMITS.—

4 (1) APPLICATION.—A permittee or lessee may
5 apply for a range improvement permit to construct,
6 install, modify, maintain, or use a range improve-
7 ment that is needed to achieve management objec-
8 tives within the permittee's or lessee's allotment.

9 (2) FUNDING.—A permittee or lessee shall
10 agree to provide full funding for construction, instal-
11 lation, modification, or maintenance of a range im-
12 provement covered by a range improvement permit.

13 (3) AUTHORIZED OFFICER TO ISSUE.—A range
14 improvement permit shall be issued at the discretion
15 of the authorized officer.

16 (4) TITLE.—Title to an authorized permanent
17 range improvement under a range improvement per-
18 mit shall be in the name of the permittee or lessee.

19 (5) CONTROL.—The use by livestock of stock
20 ponds or wells authorized by a range improvement
21 permit shall be controlled by the permittee or lessee
22 holding a range improvement permit.

23 (c) ASSIGNMENT OF RANGE IMPROVEMENTS.—An
24 authorized officer shall not approve the transfer of a graz-
25 ing preference, or approve use by the transferee of existing

1 range improvements unless the transferee has agreed to
2 compensate the transferor for the transferor's interest in
3 the authorized permanent improvements within the allot-
4 ment as of the date of the transfer.

5 **SEC. 123. MONITORING AND INSPECTION.**

6 (a) MONITORING.—Monitoring of a grazing allotment
7 shall be performed by qualified Federal, State, or local
8 agency personnel, qualified consultants as agreed to in an
9 approved allotment management plan, or qualified range
10 consultants retained by the United States. Any report on
11 such monitoring shall include any comments from com-
12 parably qualified range consultants participating in the
13 monitoring activities at the request of the permittee or les-
14 see.

15 (b) INSPECTION.—Inspection of a grazing allotment
16 shall be performed by qualified Federal, State or local
17 agency personnel, or qualified consultants retained by the
18 United States.

19 (c) MONITORING CRITERIA AND PROTOCOLS.—
20 Rangeland monitoring shall be conducted according to re-
21 gional or State criteria and protocols that are scientifically
22 based. Criteria and protocols shall be developed by the
23 Secretary in consultation with the Resource Advisory
24 Councils established in section 171, and in cooperation
25 with State departments of agriculture or other appropriate

1 State agencies and academic institutions in each inter-
2 ested State.

3 (d) PERMITTEE OR LESSEE PARTICIPATION IN AL-
4 LOTMENT MONITORING.—Except as provided in sub-
5 section (e), the affected permittee or lessee, or authorized
6 representative thereof, shall be invited and allowed to par-
7 ticipate in all inspections or activities in which information
8 or data are gathered for consideration in management ac-
9 tions or decisions by the authorized officer. Information
10 or data, in any form, gathered in violation of this sub-
11 section shall not be relied upon by the authorized officer,
12 and shall be excluded from the permittee's or lessee's allot-
13 ment file.

14 (e) EXCEPTIONS.—Notwithstanding the requirement
15 of subsection (d), and provided that written notice of in-
16 spection or monitoring activities was provided to the per-
17 mittee or lessee within 72 hours of the initial observation,
18 inspection or monitoring documentation, data, informa-
19 tion, or reports may be relied upon if—

20 (1) the affected permittee or lessee declines the
21 invitation of the authorized officer to participate in
22 specific inspection or monitoring activities; or

23 (2) at the time the inspection or monitoring
24 data or information were collected, the authorized

1 officer had substantial grounds to believe that a vio-
 2 lation of section 141 was occurring.

3 **SEC. 124. WATER RIGHTS.**

4 (a) IN GENERAL.—No water rights on Federal land
 5 shall be acquired, perfected, owned, controlled, main-
 6 tained, administered, or transferred in connection with
 7 livestock grazing management other than in accordance
 8 with State law concerning the use and appropriation of
 9 water within the State.

10 (b) STATE LAW.—In managing livestock grazing on
 11 Federal land, the Secretary shall follow State law with re-
 12 gard to water right ownership and appropriation.

13 (c) AUTHORIZED USE OR TRANSPORT.—The Sec-
 14 retary may not impose or require any transfer, restriction,
 15 or limitation on the use of any water right as a term or
 16 condition of any permit, or as a requirement for approval
 17 of the transportation, storage, or conveyance of water on
 18 or across Federal land.

19 (d) RULE OF CONSTRUCTION.—Nothing in this title
 20 shall be construed to create an expressed or implied res-
 21 ervation of water rights in the United States.

22 **Subtitle D—Authorization of Grazing Use**

23 **SEC. 131. GRAZING PERMITS OR LEASES.**

24 (a) TERM.—A grazing permit or lease shall be issued
 25 for a term of 15 years unless—

1 (1) the land is pending disposal;

2 (2) the land will be devoted to a public purpose
3 that precludes grazing prior to the end of 15 years;
4 or

5 (3) the Secretary determines that it would be in
6 the best interest of sound land management to speci-
7 fy a shorter term, if the decision to specify a shorter
8 term is supported by appropriate and accepted re-
9 source analysis and evaluation, and a shorter term
10 is determined to be necessary, based upon monitor-
11 ing information, to achieve land management goals
12 and objectives.

13 (b) RENEWAL.—A permittee or lessee holding a graz-
14 ing permit or lease shall be given first priority at the end
15 of the term for renewal of the grazing permit or lease if—

16 (1) the land for which the grazing permit or
17 lease is issued remains available for domestic live-
18 stock grazing;

19 (2) the permittee or lessee is in compliance with
20 this title and the terms and conditions of the grazing
21 permit or lease; and

22 (3) the permittee or lessee accepts the terms
23 and conditions included by the authorized officer in
24 the new grazing permit or lease.

1 **SEC. 132. SUBLEASING.**

2 (a) IN GENERAL.—The Secretary shall only authorize
3 subleasing of a Federal grazing permit or lease, in whole
4 or in part—

5 (1) if the permittee or lessee is unable to make
6 full grazing use due to ill health or death; or

7 (2) under a cooperative agreement with a graz-
8 ing permittee or lessees (or group of grazing permit-
9 tees or lessees), pursuant to section 105(b).

10 (b) CONSIDERATIONS.—

11 (1) Livestock owned by a spouse, child, or
12 grandchild of a permittee or lessee shall be consid-
13 ered as owned by the permittee or lessee for the sole
14 purposes of this title.

15 (2) Leasing or subleasing of base property, in
16 whole or in part, shall not be considered as subleas-
17 ing of a Federal grazing permit or lease: *Provided*,
18 That the grazing preference associated with such
19 base property is transferred to the person controlling
20 the leased or subleased base property.

21 **SEC. 133. OWNERSHIP AND IDENTIFICATION OF LIVE-**
22 **STOCK.**

23 (a) IN GENERAL.—A permittee or lessee shall own
24 or control and be responsible for the management of the
25 livestock that graze the Federal land under a grazing per-
26 mit or lease.

1 (b) MARKING OR TAGGING.—An authorized officer
2 shall not impose any marking or tagging requirement in
3 addition to the requirement under State law.

4 **SEC. 134. TERMS AND CONDITIONS.**

5 (a) IN GENERAL.—

6 (1) A grazing permit or lease shall be subject
7 to such reasonable terms or conditions as may be re-
8 quired by this Act or as contained in an approved
9 allotment management plan developed pursuant to
10 section 121.

11 (2) No term or condition of a grazing permit or
12 lease shall be imposed pertaining to past practice or
13 present willingness of an applicant, permittee or les-
14 see to relinquish control of public access to Federal
15 land across private land.

16 (b) MODIFICATION.—Following careful and consid-
17 ered consultation, cooperation, and coordination with per-
18 mittees and lessees, an authorized officer may modify the
19 terms and conditions of a grazing permit or lease if mon-
20 itoring data show that the grazing use is not meeting the
21 land use plan or management objectives.

22 **SEC. 135. FEES AND CHARGES.**

23 (a) GRAZING FEES.—The fee for each animal unit
24 month in a grazing fee year to be determined by the Sec-
25 retary shall be equal to the three-year average of the total

1 gross value of production for beef cattle for the three years
2 preceding the grazing fee year, multiplied by the 10-year
3 average of the United States Treasury Securities 6-month
4 bill “new issue” rate, and divided by 12. The gross value
5 of production for beef cattle shall be determined by the
6 Economic Research Service of the Department of Agri-
7 culture in accordance with subsection (e)(1).

8 (b) DEFINITION OF ANIMAL UNIT MONTH.—For the
9 purposes of billing only, the term “animal unit month”
10 means one month’s use and occupancy of range by—

11 (1) one cow, bull, steer, heifer, horse, burro, or
12 mule, seven sheep, or seven goats, each of which is
13 six months of age or older on the date on which the
14 animal begins grazing on Federal land;

15 (2) any such animal regardless of age if the
16 animal is weaned on the date on which the animal
17 begins grazing on Federal land; and

18 (3) any such animal that will become 12
19 months of age during the period of use authorized
20 under a grazing permit or lease.

21 (c) LIVESTOCK NOT COUNTED.—There shall not be
22 counted as an animal unit month the use of Federal land
23 for grazing by an animal that is less than six months of
24 age on the date on which the animal begins grazing on
25 Federal land and is the natural progeny of an animal on

1 which a grazing fee is paid if the animal is removed from
 2 the Federal land before becoming 12 months of age.

3 (d) OTHER FEES AND CHARGES.—

4 (1) CROSSING PERMITS, TRANSFERS, AND BILL-
 5 ING NOTICES.—A service charge shall be assessed
 6 for each crossing permit, transfer of grazing pref-
 7 erence, and replacement or supplemental billing no-
 8 tice except in a case in which the action is initiated
 9 by the authorized office.

10 (2) AMOUNT OF FLPMA FEES AND CHARGES.—

11 The fees and charges under section 304(a) of the
 12 Federal Land Policy and Management Act of 1976
 13 (43 U.S.C. 1734(a)) shall reflect processing costs
 14 and shall be adjusted periodically as costs change.

15 (3) NOTICE OF CHANGE.—Notice of a change
 16 in a service charge shall be published in the Federal
 17 Register.

18 (e) CRITERIA FOR ERS.—

19 (1) The Economic Research Service of the De-
 20 partment of Agriculture shall continue to compile
 21 and report the gross value of production of beef cat-
 22 tle, on a dollars-per-bred-cow basis for the United
 23 States, as is currently published by the Service in:
 24 “Economic Indicators of the Farm Sector: Cost of
 25 Production—Major Field Crops and Livestock and

1 Dairy’’ (Cow-calf production cash costs and re-
2 turns).

3 (2) For the purposes of determining the grazing
4 fee for a given grazing fee year, the gross value of
5 production (as described above) for the previous cal-
6 endar year shall be made available to the Secretary
7 of the Interior and the Secretary of Agriculture, and
8 published in the Federal Register, on or before Feb-
9 ruary 15 of each year.

10 **Subtitle E—Civil Violations and Failures of**
11 **Compliance**

12 **SEC. 141. CIVIL VIOLATIONS AND FAILURES OF COMPLI-**
13 **ANCE.**

14 (a) IN GENERAL.—A person that knowingly and will-
15 fully does one of the following shall be subject to a civil
16 sanction under subsection (b):

17 (1) Fails to make grazing use under the terms
18 and conditions of a grazing permit or lease, or under
19 a cooperative agreement pursuant to section 105(b).

20 (2) Places supplemental feed on land covered by
21 a grazing permit or lease without authorization.

22 (3) Fails to comply with a term, condition, or
23 stipulation of a range improvement cooperative
24 agreement or range improvement permit.

25 (4) Enters into an unauthorized sublease.

1 (5) Allows unauthorized livestock or other pri-
2 vately owned or controlled animals to graze on or be
3 driven across Federal land.

4 (b) PENALTIES.—

5 (1) IN GENERAL.—In a case of a violation or
6 failure of compliance described in subsection (a), an
7 authorized officer may—

8 (A) withhold issuance of a grazing permit
9 or lease;

10 (B) suspend the grazing use authorized
11 under a grazing permit or lease, in whole or in
12 part; or

13 (C) cancel a grazing permit or lease and
14 grazing preference, or other grazing authoriza-
15 tion, in whole or in part.

16 (2) CANCELLATION, SUSPENSION OR MODIFICA-
17 TION.—A grazing lease or permit may be canceled,
18 suspended, or modified for—

19 (A) any violation of this title,

20 (B) any violation of a term or condition of
21 the permit or lease,

22 (C) conviction for failure to comply with
23 Federal laws or regulations relating to protec-
24 tion of air, water, soil and vegetation, fish and
25 wildlife, and other environmental values when

1 exercising the grazing use authorized by the
2 permit or lease.

3 (3) SECOND OR SUBSEQUENT WILLFUL VIOLA-
4 TION.—In a case of a second or subsequent willful
5 civil violation described in subsection (a), an author-
6 ized officer shall—

7 (A) suspend the grazing use authorized
8 under a grazing permit or lease, in whole or in
9 part; or

10 (B) cancel a grazing permit or lease and
11 grazing preference, in whole or in part.

12 (4) CONSIDERATION OF SEVERITY.—The dura-
13 tion of a violation, failure to comply with a notice of
14 violation, and the extent of damage to resources
15 caused by such violation shall be considered in deter-
16 mining any penalty under this section.

17 (5) SUBLEASES.—

18 (A) IN GENERAL.—A person who violates
19 subsection (a)(4) shall be required to pay to the
20 United States the dollar equivalent value, as de-
21 termined by the authorized officer, of all com-
22 pensation received for the sublease that is in ex-
23 cess of the sum of the established grazing fee
24 and the cost incurred by the person for the in-

1 stallation and maintenance of authorized range
2 improvements.

3 (B) FAILURE TO PAY.—If the dollar equiv-
4 alent value is not received by the authorized of-
5 ficer within 30 days of receipt of a final deci-
6 sion, the grazing permit or lease shall be can-
7 celed.

8 (C) ADDITIONAL PENALTY.—Payment
9 under this paragraph shall be in addition to any
10 other penalties the authorized officer may im-
11 pose under this subsection.

12 (6) FAILURE TO USE.—After consultation, co-
13 operation, and coordination with the permittee or
14 lessee, the authorized officer may cancel a grazing
15 preference, in whole or in part, when a permittee or
16 lessee has failed to make grazing use under the
17 terms and conditions of a grazing permit or lease,
18 or under a cooperative agreement pursuant to sec-
19 tion 105(b).

20 **Subtitle F—Unauthorized Grazing Use**

21 **SEC. 151. NONMONETARY SETTLEMENT.**

22 An authorized officer may approve a nonmonetary
23 settlement of a case of a violation described in section 141
24 if the authorized officer determines that each of the follow-
25 ing conditions is satisfied:

1 (1) NO FAULT.—Evidence shows that the unau-
 2 thorized use occurred through no fault of the live-
 3 stock operator.

4 (2) INSIGNIFICANCE.—The forage use is insig-
 5 nificant.

6 (3) NO DAMAGE.—Federal land has not been
 7 damaged.

8 (4) BEST INTERESTS.—Nonmonetary settle-
 9 ment is in the best interests of the United States.

10 **SEC. 152. IMPOUNDMENT AND SALE.**

11 Any impoundment and sale of unauthorized livestock
 12 on Federal land shall be conducted in accordance with
 13 State law.

14 **Subtitle G—Procedure**

15 **SEC. 161. PROPOSED DECISIONS.**

16 (a) SERVICE ON APPLICANTS, PERMITTEES, LES-
 17 SEES, AND LIENHOLDERS.—The authorized officer shall
 18 serve, by certified mail or personal delivery, a proposed
 19 decision on any applicant, permittee, lessee, or lienholder
 20 (or agent of record of the applicant, permittee, lessee, or
 21 lienholder) that is affected by—

22 (1) a proposed action on an application for a
 23 grazing permit or lease, or range improvement per-
 24 mit; or

1 (2) a proposed action relating to a term or con-
 2 dition of a grazing permit or lease or a range im-
 3 provement permit.

4 (b) NOTIFICATION OF AFFECTED INTERESTS.—The
 5 authorized officer shall send copies of a proposed decision
 6 to affected interests.

7 (c) CONTENTS.—A proposed decision described in
 8 subsection (a) shall—

9 (1) state reasons for the action, including ref-
 10 erence to applicable law (including regulations);

11 (2) be based upon, and supported by rangeland
 12 studies, where appropriate; and

13 (3) state that any protest to the proposed deci-
 14 sion must be filed not later than 30 days after serv-
 15 ice.

16 **SEC. 162. PROTESTS.**

17 An applicant, permittee, or lessee may protest a pro-
 18 posed decision under section 161 in writing to the author-
 19 ized officer within 30 days after service of the proposed
 20 decision.

21 **SEC. 163. FINAL DECISIONS.**

22 (a) NO PROTESTS.—In the absence of a timely filed
 23 protest, a proposed decision described in section 161(a)
 24 shall become the final decision of the authorized officer
 25 without further notice.

1 (b) RECONSIDERATION.—If a protest is timely filed,
 2 the authorized officer shall reconsider the proposed deci-
 3 sion in light of the protestant's statement of reasons for
 4 protest and in light of other information pertinent to the
 5 case.

6 (c) SERVICE AND NOTIFICATION.—After reviewing
 7 the protest, the authorized officer shall serve a final deci-
 8 sion on the parties to the proceeding, and notify affected
 9 interests of the final decision.

10 **SEC. 164. APPEALS.**

11 (a) IN GENERAL.—

12 (1) After a final decision takes effect, a period
 13 of 30 days shall be provided for filing an appeal. A
 14 person who is adversely affected within the meaning
 15 of 5 U.S.C. 702 may appeal the decision, pursuant
 16 to applicable laws and regulations governing the ad-
 17 ministrative appeals process of the agency serving
 18 the decision.

19 (2) When a grazing decision is appealed under
 20 administrative procedures, the burden of proof shall
 21 be on the proponent of the rule or order. The stand-
 22 ard of proof shall be by a preponderance of the evi-
 23 dence in the record as a whole.

24 (b) SUSPENSION PENDING APPEAL.—

1 (1) IN GENERAL.—An appeal of a final decision
 2 shall suspend the effect of the decision pending final
 3 action on the appeal unless the decision is made ef-
 4 fective pending appeal under paragraph (2).

5 (2) EFFECTIVENESS PENDING APPEAL.—The
 6 authorized officer may, on the basis of substantial
 7 information, order a final decision to remain in full
 8 force and effect when failure to act would result in
 9 imminent and irreversible resource damage. Full
 10 force and effect decisions shall take effect on the
 11 date specified, regardless of an appeal.

12 (c) In the case of an appeal under this section, the
 13 authorized officer shall, within 30 days of receipt, forward
 14 the appeal, all documents and information submitted by
 15 the applicant, permittee, lessee, or lienholder, and any per-
 16 tinent information that would be useful in the rendering
 17 of a decision on such appeal, to the appropriate authority
 18 responsible for issuing the final decision on the appeal.

19 **Subtitle H—Advisory Committees**

20 **SEC. 171. RESOURCE ADVISORY COUNCILS.**

21 (a) ESTABLISHMENT.—The Secretary of Agriculture
 22 and the Secretary of the Interior, in consultation with the
 23 Governors of the affected States, shall establish and oper-
 24 ate joint Resource Advisory Councils on a State or re-
 25 gional level to provide advice on management issues for

1 all lands administered by the Bureau of Land Manage-
 2 ment and the Forest Service within such State or regional
 3 area, except where the Secretaries determine that there
 4 is insufficient interest in participation on a council to en-
 5 sure that membership can be fairly balanced in terms of
 6 the points of view represented and the functions to be per-
 7 formed.

8 (b) DUTIES.—Each Resource Advisory Council shall
 9 advise the Secretaries and appropriate State officials on—

10 (1) matters regarding the preparation, amend-
 11 ment, and implement of land use and activity plans
 12 for public lands and resources within its area;

13 (2) major management decisions while working
 14 within the broad management goals established for
 15 the district or national forest; and

16 (3) matters relating to the development of allot-
 17 ment management plans developed pursuant to sec-
 18 tion 121.

19 (c) DISREGARD OF ADVICE.—

20 (1) REQUEST FOR RESPONSE.—If a Resource
 21 Advisory Council becomes concerned that its advice
 22 is being arbitrarily disregarded, the Resource Advi-
 23 sory Council may by majority vote of its members,
 24 request that the Secretaries respond directly to the

1 Resource Advisory Council's concerns within 60 days
2 after the Secretaries receive the request.

3 (2) EFFECT OF RESPONSE.—The response of
4 the Secretaries to a request under paragraph (1)
5 shall not—

6 (A) constitute a decision on the merits of
7 any issue that is or might become the subject
8 of an administrative appeal; or

9 (B) be subject to appeal.

10 (d) MEMBERSHIP.—

11 (1) The Secretaries, in consultation with the
12 Governor of the affected State or States, shall ap-
13 point the members of each Resource Advisory Coun-
14 cil. A council shall consist of not less than nine
15 members and not more than fifteen members.

16 (2) In appointing members to a Resource Advi-
17 sory Council, the Secretaries shall provide for bal-
18 anced and broad representation from among various
19 groups, including but not limited to, permittees and
20 lessees, other commercial interests, recreational
21 users, representatives of recognized local environ-
22 mental or conservation organizations, educational,
23 professional, or academic interests, representatives
24 of State and local government or governmental agen-

1 cies, Indian tribes, and other members of the af-
2 fected public.

3 (3) The Secretaries shall appoint at least one
4 elected official of general purpose government serv-
5 ing the people of the area of each Resource Advisory
6 Council.

7 (4) No person may serve concurrently on more
8 than one Resource Advisory Council.

9 (5) Members of a Resource Advisory Council
10 must reside in one of the States within the geo-
11 graphic jurisdiction of the council.

12 (e) SUBGROUPS.—A Resource Advisory Council may
13 establish such subgroups as the council deems necessary,
14 including but not limited to working groups, technical re-
15 view teams, and rangeland resource groups.

16 (f) TERMS.—Resource Advisory Council member
17 shall be appointed for two-year terms. Members may be
18 appointed to additional terms at the discretion of the Sec-
19 retaries.

20 (g) FEDERAL ADVISORY COMMITTEE ACT.—Except
21 to the extent that it is inconsistent with this subtitle, the
22 Federal Advisory Committee Act shall apply to the Re-
23 source Advisory Councils established under this section.

24 (h) OTHER FLPMA ADVISORY COUNCILS.—Nothing
25 in this section shall be construed as modifying the author-

1 ity of the Secretaries to establish other advisory councils
2 under section 309 of the Federal Land Policy and Man-
3 agement Act of 1976 (43 U.S.C. 1739).

4 **SEC. 172. GRAZING ADVISORY COUNCILS.**

5 (a) ESTABLISHMENT.—The Secretary, in consulta-
6 tion with the Governor of the affected State and with af-
7 fected counties, shall appoint not fewer than five nor more
8 than nine persons to serve on a Grazing Advisory Council
9 for each district and each national forest within the 17
10 contiguous Western States having jurisdiction over more
11 than 500,000 acres of public lands subject to commercial
12 livestock grazing. The Secretaries may establish joint
13 Grazing Advisory Councils wherever practicable.

14 (b) DUTIES.—The duties of Grazing Advisory Coun-
15 cils established pursuant to this section shall be to provide
16 advice to the Secretary concerning management issues di-
17 rectly related to the grazing of livestock on public lands,
18 including—

19 (1) range improvement objectives;

20 (2) the expenditure of range improvement or
21 betterment funds under the Public Rangelands Im-
22 provement Act of 1978 (43 U.S.C. 1901 et seq.) or
23 the Taylor Grazing Act (43 U.S.C. 315 et seq.);

24 (3) development and implementation of grazing
25 management programs; and

1 (4) range management decisions and actions at
2 the allotment level.

3 (c) DISREGARD OF ADVICE.—

4 (1) REQUEST FOR RESPONSE.—If a Grazing
5 Advisory Council becomes concerned that its advice
6 is being arbitrarily disregarded, the Grazing Advi-
7 sory Council may, by unanimous vote of its mem-
8 bers, request that the Secretary respond directly to
9 the Grazing Advisory Council's concerns within 60
10 days after the Secretary receives the request.

11 (2) EFFECT OF RESPONSE.—The response of
12 the Secretary to a request under paragraph (1) shall
13 not—

14 (A) constitute a decision on the merits of
15 any issue that is or might become the subject
16 of an administrative appeal; or

17 (B) be subject to appeal.

18 (d) MEMBERSHIP—The members of a Grazing Advi-
19 sory Council established pursuant to this section shall rep-
20 resent permittees, lessees, affected landowners, social and
21 economic interests within the district or national forest,
22 and elected State or county officers. All members shall
23 have a demonstrated knowledge of grazing management
24 and range improvement practices appropriate for the re-
25 gion, and shall be residents of a community within or adja-

1 cent to the district or national forest, or control a permit
 2 or lease within the same area. Members shall be appointed
 3 by the Secretary for a term of two years, and may be ap-
 4 pointed for additional consecutive terms. The membership
 5 of Grazing Advisory Councils shall be equally divided be-
 6 tween permittees or lessees, and other interests: *Provided*,
 7 That one elected State or County officer representing the
 8 people or an area within the district or national forest
 9 shall be appointed to create an odd number of members.

10 (e) FEDERAL ADVISORY COMMITTEE ACT.—Except
 11 to the extent that it is inconsistent with this subtitle, the
 12 Federal Advisory Committee Act shall apply to the Graz-
 13 ing Advisory Councils established pursuant to this section.

14 **SEC. 173 GENERAL PROVISIONS.**

15 (a) DEFINITION OF DISTRICT.—For the purposes of
 16 this subtitle, the term “district” means—

17 (1) a grazing district administered under sec-
 18 tion 3 of the Act of June 28, 1934 (commonly
 19 known as the “Taylor Grazing Act”) (48 Stat. 1270,
 20 chapter 865; 43 U.S.C. 315b); or

21 (2) other lands within a State boundary which
 22 are eligible for grazing pursuant to section 15 of the
 23 Act of June 28, 1934 (commonly known as the
 24 “Taylor Grazing Act”) (48 Stat. 1270, chapter 865;
 25 43 U.S.C. 315m).

1 (b) TERMINATION OF SERVICE.—The Secretary may,
 2 after written notice, terminate the service of a member
 3 of an advisory committee if—

4 (1) the member—

5 (A) no longer meets the requirements
 6 under which appointed;

7 (B) fails or its unable to participate regu-
 8 larly in committee work; or

9 (C) has violated Federal law (including a
 10 regulation); or

11 (2) in the judgment of the Secretary, termi-
 12 nation is in the public interest.

13 (c) COMPENSATION AND REIMBURSEMENT OF EX-
 14 PENSES.—A member of an advisory committee established
 15 under section 171 or 172 shall not receive any compensa-
 16 tion in connection with the performance of the member’s
 17 duties as a member of the advisory committee, but shall
 18 be reimbursed for travel and per diem expenses only while
 19 on official business, as authorized by section 5703 of title
 20 5 of the United states Code.

21 **SEC. 174. CONFORMING AMENDMENT AND REPEAL.**

22 (a) AMENDMENT.—The third sentence of section
 23 402(d) of the Federal Land Policy and Management Act
 24 of 1976 (43 U.S.C. 1752(d)) is amended by striking “dis-
 25 trict grazing advisory boards established pursuant to sec-

tion 403 of the Federal Land Policy and Management Act (43 U.S.C. 1753)” and inserting “resource advisory councils and grazing advisory councils established under sections 171 and 172 of the Public Rangelands Management Act of 1995”.

(b) REPEAL.—Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753) is repealed.

SUBTITLE I—REPORTS

SEC. 181. REPORTS.

(a) IN GENERAL.—Not later than March 1, 1997, and annually thereafter, the Secretaries shall submit to Congress a report that contains—

(1) an itemization of revenues received and costs incurred directly in connection with the management of grazing on Federal land; and

(2) recommendations for reducing administrative costs and improving the overall efficiency of Federal range land management.

(b) ITEMIZATION.—If the itemization of costs under subsection (a)(1) includes any costs incurred in connection with the implementation of any law other than a statute cited in section 102, the Secretaries shall indicate with specificity the costs associated with implementation of each such statute.

1 **TITLE II—MANAGEMENT OF NATIONAL**
2 **GRASSLANDS**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “National Grasslands
5 Management Act of 1995”.

6 **SEC. 202. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the inclusion of the National Grasslands
9 within the National Forest System has prevented the
10 Secretary of Agriculture from effectively administer-
11 ing and promoting grassland agriculture on National
12 Grasslands as originally intended under the
13 Bankhead-Jones Farm Tenant Act;

14 (2) the National Grasslands can be more effec-
15 tively managed by the Secretary of Agriculture if ad-
16 ministered as a separate entity outside of the Na-
17 tional Forest System; and

18 (3) a grazing program on National Grasslands
19 can be responsibly carried out while protecting and
20 preserving recreational, environmental, and other
21 multiple uses of the National Grasslands.

22 (b) PURPOSE.—The purpose of this title is to provide
23 for improved management and more efficient administra-
24 tion of grazing activities on National Grasslands while pre-
25 serving and protecting multiple uses of such lands, includ-

1 ing but not limited to preserving hunting, fishing, and rec-
 2 reational activities, and protecting wildlife habitat in ac-
 3 cordance with applicable laws.

4 **SEC. 203. DEFINITIONS.**

5 As used in this title, the term—

6 (1) “National Grasslands” means those areas
 7 managed as National Grasslands by the Secretary of
 8 Agriculture under title III of the Bankhead-Jones
 9 Farm Tenant Act (7 U.S.C. 1010–1012) on the day
 10 before the date of enactment of this title; and

11 (2) “Secretary” means the Secretary of Agri-
 12 culture.

13 **SEC. 204. REMOVAL OF NATIONAL GRASSLANDS FROM NA-**
 14 **TIONAL FOREST SYSTEM.**

15 Section 11(a) of the Forest Rangeland Renewable
 16 Resource Planning Act of 1974 (16 U.S.C. 1609(a)) is
 17 amended by striking the phrase “the national grasslands
 18 and land utilization projects administered under title of
 19 the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7
 20 U.S.C. 1010–1012),”.

21 **SEC. 205. MANAGEMENT OF NATIONAL GRASSLANDS.**

22 (a) IN GENERAL.—The Secretary shall manage the
 23 National Grasslands as a separate entity in accordance
 24 with this title and the provisions and multiple use pur-

1 poses of title III of the Bankhead-Jones Farm Tenant Act
2 (7 U.S.C. 1010–1012).

3 (b) GRAZING ACTIVITIES.—In furtherance of the pur-
4 poses of this title, the Secretary shall administer grazing
5 permits and implement grazing management decisions in
6 consultation, cooperation, and coordination with local
7 grazing associations and other grazing permit holders.

8 (c) REGULATIONS.—The Secretary shall promulgate
9 regulations to manage and protect the National Grass-
10 lands, taking into account the unique characteristics of the
11 National Grasslands and grasslands agriculture conducted
12 under the Bankhead-Jones Farm Tenant Act (7 U.S.C.
13 1010). Such regulations shall facilitate the efficient ad-
14 ministration of grazing and provide protection for the en-
15 vironment, wildlife, wildlife habitat, and Federal lands in
16 a manner that is consistent with that on the National
17 Grasslands on the May 25, 1995.

18 (d) CONFORMING AMENDMENT TO BANKHEAD-
19 JONES ACT.—Section 31 of the Bankhead-Jones Farm
20 Tenant Act (7 U.S.C. 1010) is amended to read as follows:

21 “To accomplish the purposes of title III of this Act,
22 the Secretary is authorized and directed to develop a sepa-
23 rate program of land conservation and utilization for the
24 National Grasslands, in order thereby to correct mal-
25 adjustments in land use, and thus assist in promoting

1 grassland agriculture and secure occupancy and economic
 2 stability of farms and ranches, controlling soil erosion, re-
 3 forestation, preserving and protecting natural resources,
 4 protecting fish and wildlife and their habitat, developing
 5 and protecting recreational opportunities and facilities,
 6 mitigating floods, preventing impairment of dams and res-
 7 ervoirs, developing energy resources, conserving surface
 8 and subsurface moisture, protecting the watersheds of
 9 navigable streams, and protecting the public lands, health,
 10 safety and welfare, but not to build industrial parks or
 11 commercial enterprises.”.

12 (e) HUNTING FISHING, AND RECREATIONAL ACTIVI-
 13 TIES.—Nothing in this title shall be construed as limiting
 14 or precluding hunting or fishing activities on National
 15 Grasslands in accordance with applicable Federal and
 16 State laws, nor shall appropriate recreational activities be
 17 limited or precluded.

18 (f) VALID EXISTING RIGHTS.—

19 (1) IN GENERAL.—Nothing in this title shall af-
 20 fect valid existing rights, reservations, agreements,
 21 or authorizations. Section 1323(a) of Public Law
 22 96–487 shall continue to apply to nonfederal land
 23 and interests therein within the boundaries of the
 24 national Grasslands.

25 (2) INTERIM USE AND OCCUPANCY.—

1 (A) Until such time as regulations concern-
 2 ing the use and occupancy of the National
 3 Grasslands are promulgated pursuant to this
 4 title, the Secretary shall regulate the use and
 5 occupancy of such lands in accordance with reg-
 6 ulations applicable to such lands on May 25,
 7 1995, to the extent practicable and consistent
 8 with the provisions of this Act.

9 (B) Any applications for National Grass-
 10 lands use and occupancy authorizations submit-
 11 ted prior to the date of enactment of this Act,
 12 shall continue to be processed without interrup-
 13 tion and without reinitiating any processing ac-
 14 tivity already completed or begun prior to such
 15 date.

16 **SEC. 206. FEES AND CHARGES.**

17 The fee provided for in section 135 of title I shall
 18 be applicable to the lands subject to the provisions of this
 19 title.

S 1459 PCS—2

S 1459 PCS—3

S 1459 PCS—4